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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

PARRISH et al. v. CITY OF RICHMOND.

June 8, 1916.

[89 S. E. 102.]

1. Municipal Corporations (§ 703 (1)*)—Ordinances—Reasonableness—Jitneys.—An ordinance requiring a jitney driver, in making application for license to operate, to state he owns the vehicle or vehicles proposed to be operated, is invalid because unreasonable.

[Ed. Note.—For other cases, see *Municipal Corporations*, Cent. Dig. § 1309; Dec. Dig. § 703 (1).* 10 Va.-W. Va. Enc. Dig. 611.]

2. Municipal Corporations (§ 111 (3)*)—Ordinance—Reasonableness—Jitneys.—An ordinance, to be valid, must be reasonable.

[Ed. Note.—For other cases, see *Municipal Corporations*, Cent. Dig. § 247; Dec. Dig. § 111 (3).* 10 Va.-W. Va. Enc. Dig. 611.]

Appeal from Hustings Court of Richmond.

Suit by Parrish and others against the City of Richmond. From a decree for defendant, complainants appeal. Reversed and rendered.

O'Flaherty, Fulton & Byrd, of Richmond, for appellants.

H. R. Pollard, of Richmond, for appellee.

ATLANTIC COAST LINE R. CO. v. VIRGINIA MFG. CO.

June 8, 1916.

[89 S. E. 103.]

Limitation of Actions (§ 28 (2)*)—What Law Governs—Freight Undercharges.—An action under Interstate Commerce Act Feb. 4, 1887, c. 104, § 6, 24 Stat. 380, as amended by Act Cong. June 29, 1906, c. 3591, § 2, 34 Stat. 586 (U. S. Comp. St. 1913, § 8569), to recover freight undercharges, there being no limitation prescribed by the act of Congress, is barred by the state three-year statute of limitations (Code 1904, § 2920.)

[Ed. Note.—For other cases, see *Limitation of Actions*, Cent. Dig. §§ 135, 142; Dec. Dig. § 28 (2).* 9 Va.-W. Va. Enc. Dig. 406.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

Error to Circuit Court of City of Suffolk.

Action by the Atlantic Coast Line Railroad Company against the Virginia Manufacturing Company. Judgment for defendant, and plaintiff brings error. Affirmed.

Wm. B. McIlwaine, of Petersburg, for plaintiff in error.

V. H. Kellam, of Norfolk, for defendant in error.

MURPHEY'S HOTEL CO., Inc. *v.* BENET et al.

June 8, 1916.

[89 S. E. 104.]

1. Mortgages (§ 156*)—Second Deed of Trust—Undocketed Judgment—Priorities—"Purchaser" of Real Estate.—Subject to the first deed of trust, the trustee under a second deed of trust of land to secure a debt is a purchaser of real estate within Code 1904, § 3570, providing that a judgment not docketed in the county shall not be a lien on real estate as against a purchaser thereof for value without notice.

[Ed. Note.—For other cases, see Mortgages, Cent. Dig. §§ 360-365; Dec. Dig. § 156.* 10 Va.-W. Va. Enc. Dig. 47.

For other definitions, see Words and Phrases, First and Second Series, Purchaser.]

2. Mortgages (§ 151 (5)*)—Deed of Trust—Undocketed Judgment—Priorities—Quitclaim.—Relative to its being protected against an undocketed judgment, a second deed of trust, in the usual form of a trust deed, conveying all the grantor's right, title, and interest in the lands, with covenant of general warranty, and stating that it is to secure payment of a \$10,000 note, is not a quitclaim; a warranty being a distinguishing characteristic, and it appearing from the deed's terms that the consideration was adequate, and that the grantor intended to convey, and the grantee expected to be invested with, right and title to the property, so far as necessary to satisfy the debt secured.

[Ed. Note.—For other cases, see Mortgages, Cent. Dig. §§ 320-322, 332-336; Dec. Dig. § 151 (5).* 10 Va.-W. Va. Enc. Dig. 47.

For other definitions, see Words and Phrases, First and Second Series, Quitclaim.]

3. Mortgages (§ 154 (2)*)—Deed of Trust—Undocketed Judgment—Priorities—Notice.—Relative to priority of a deed of trust by B., of land in G. county, to secure T., and a previous judgment against B., undocketed in G. county, reference in the deed of trust to a prior deed in the chain of title, which referred to suits in another county, did not require T. to investigate those suits and thus charge him

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.